

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

President Judge Administrative Order
No. 2 of 2023

In re: Objections to Nomination Petitions – Primary Election, May 16, 2023

ORDER

AND NOW, this 16th day of February, 2023, IT IS HEREBY ORDERED, ADJUDGED and DECREED that as required by 25 P.S. § 2937, any petition raising objections to Nomination Petitions of candidates for the May 16, 2023 Primary Election shall be filed, scheduled and disposed as follows:

- (1) the *Petition to Set Aside Nomination Petition* (hereinafter “Petition”), substantially in the form set forth below, and Exhibits must be filed with the Office of Judicial Records (formerly the “Prothonotary”) no later than 5:00 PM on March 14, 2023. The Order to Show Cause and the Proposed Order will be generated by the Court’s case management system and the Petitioner need not file either document with the Petition.
- (2) The Petition shall specify objections to individual signature lines in nomination petitions and these shall be set forth in an Excel or other similar spreadsheet format. Objector may use the downloadable spreadsheet provided on the Court’s website at: www.courts.phila.gov/forms. Spreadsheet columns shall include, for each challenged signature line: page number, line number, county, and the reason or reasons for each challenge. The spreadsheet shall designate the grounds for challenge by codes, as follows:

NR = Not Registered
NRA = Not Registered at Address
NRDS = Not Registered on Date Signed
NRD = Not Registered Division
Ill = Illegible
LIO = Line Information Omitted
DUP = Duplicate
IHA = Line Information in Hand of Another
N/I = Nickname/Initial
PRI = Printed Signature
DCA = Defective Circulator Statement
Other = Any ground for objection not listed above

- (3) The Petition shall clearly state the number of signature lines challenged as well as the total number of completed signature lines on the face of the nomination petitions or papers. Any other challenges, e.g., to circulator affidavits, candidate affidavits, etc., must be clearly and separately stated in the Petition.
- (4) The Office of Judicial Records will be open on March 14, 2023 from 8:30 AM to 5:00 PM. Petitions raising Objections to Nomination Petitions must be filed no later than 5:00 PM. The Petitions must be electronically filed at: <https://fjdefile.phila.gov/>. However, Petitioners who are unable to file their Petitions electronically may file in-person in **Room 262 City Hall**. The Office of Judicial Records shall close at precisely 5:00 P.M. on March 14, 2023. The Petition of any party of counsel who was in line at the Office of Judicial Records before 5:00 P.M. will be time-stamped as having been received at 5:00 PM and the Office of Judicial Records shall continue to process their Petitions which, consistent with prior practice, shall be deemed to have been timely filed even if processed after 5:00 P.M.
- (5) Once the Petition has been filed with the Office of Judicial Records, an Order to Show Cause shall be issued scheduling a hearing date for March 17, 2023. The Order to Show Cause shall be in the format attached below.
- (6) A copy of the Petition and Order to Show Cause must be served by the Petitioner on the Philadelphia County Board of Elections, Room 142 City Hall, Philadelphia, PA or on a representative of the Board of Elections stationed in 262, no later than March 14, 2023 by 5:00 PM.
- (7) A copy of the Petition and Order to Show Cause must be served by the Petitioner on the Candidate no later than March 16, 2023 at 4:00 PM. Service may be accomplished by any of the below methods:
- (i) personal service on the Candidate;
 - (ii) personal service on any adult person at the Candidate's residence address as shown on the Candidate's affidavit; or
 - (iii) by delivery by nationally recognized overnight service to the Candidate's residence address shown as the Candidate's affidavit provided that:
 - (A) delivery is attempted before March 16, 2023, at 4 P.M., and
 - (B) the package be sent with instructions to leave the Service Packet at said address if no one answers the door.
- (8) The petitioner shall file before the hearing or bring to the hearing an Affidavit of Service indicating the date and time of service of the Petition and of the Order to Show Cause. The Affidavit of Service shall be in the format attached below;
- (9) The Court may reschedule the hearing for good cause, including inability to serve the

petition or Order to Show Cause. The hearing must be concluded and a final order issued no later than March 21, 2023. The final order shall be in the format attached below;

- (10) The following judge is assigned to preside over Challenges to Nominating Petitions on Friday, March 17, and continue if necessary on Monday, March 20, and Tuesday, March 21.

Honorable Joshua Roberts

An additional judge will be available if necessary. Hearings on Friday March 17 will take place in Courtroom 446 City Hall, Pennsylvania with court reporter assigned to transcribe the proceedings. Sheriffs are to be provided during these sessions; and

- (11) Copies of the forms referenced in this Order shall be available on the Court's website at www.courts.phila.gov/forms.

This Administrative Order shall become effective immediately. The original Administrative Order shall be filed with the Office of Judicial Records in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, and to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order will be provided to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for the First Judicial District, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

BY THE COURT:

/S/ Idee C. Fox

HONORABLE IDEE C. FOX
President Judge, Court of Common Pleas

IN RE: NOMINATION PETITION OF _____ : COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: ELECTION MATTER
: MARCH TERM, 2023
CANDIDATE FOR OFFICE OF _____ : No.

PETITION TO SET ASIDE NOMINATION PETITION

The Petitioner, by and through counsel, respectfully avers that:

1. The Petitioner, _____, is a duly qualified elector, lives at _____, Philadelphia, PA, and is registered in the above Ward and Division.
2. The respondent is the above referenced Candidate for the stated position.
3. On _____, 20____, the above captioned Candidate filed a Nomination Petition for the Office _____ for the _____ Party.
A copy of the Nominating Petition is attached as Exhibit "A".
4. For the reasons set forth in greater detail in the attached Exhibit "B", in the Candidate's Nomination Petition or other required filing is improperly drawn, fails to contain the required number of properly ascribed signatures, and/or was improperly filed.
5. The Nomination Petition or other required filing is defective as a matter of law and fails to conform to the requirements of the Election Code because
6. Petitioner respectfully reserves the right to add such additional objections as are appropriate at the time of hearing.

WHEREFORE, Petitioner prays this Honorable Court to issue a Rule upon the Candidate and upon the Philadelphia County Board of Elections to show cause why the Nomination Petition should not be set aside and the Candidate's name not be placed on the ballot.

Petitioner/Attorney for Petitioner

VERIFICATION

I, _____, hereby verify that the facts contained in the within Petition are true and correct to the best of my knowledge or information and belief.

I understand that the statements made herein are made subject to the provisions of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

PETITIONER/COUNSEL

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

Court of Common Pleas of Philadelphia County

In Re : Election Matter
Nomination Petition of :
 : **MARCH TERM, 2023**
 :

As **Candidate for Office of** :
 : **NO.** _____

ORDER TO SHOW CAUSE

AND NOW, this _____ day of _____, 2023, upon consideration of the *Petition to Set Aside Nomination Petition* filed on _____, it is hereby ordered that:

- (1) A rule is issued upon the Philadelphia County Board of Elections and the Candidate-Respondent, _____, to show cause why the above-referenced Nomination Petition should not be set aside and/or why the name of the Candidate-Respondent should not be removed from the ballot as a candidate in the City of Philadelphia for the _____ Party Nomination for _____;
(Democratic/Republican/Other) (Office sought by Nominee)
- (2) A hearing shall be held the 17th day of March, 2023, at 9:30 AM in Courtroom 443, City Hall, Philadelphia, Pennsylvania;
- (3) A copy of this Order to Show Cause, Petition and attachments must be served by the Petitioner on the Philadelphia County Board of Elections, Room 142 City Hall, Philadelphia, PA or representative stationed in 262 City Hall no later than March 14, 2023 by 5:00 PM.
- (4) A copy of this Order to Show Cause, Petition and attachments must be served by the Petitioner on the Candidate no later than March 16, 2023 at 4:00 PM. In addition, Petitioner must provide a digital version of the objections in spreadsheet format together with a key to the codes used in the spreadsheet, either by electronic mail or by on a digital media device (USB Flash drive or Memory stick). Service shall be accomplished as provided in Section 7 of President Judge Administrative Order No. 2 of 2023, issued February 3, 2023 and an Affidavit of Service must be filed on or before the hearing date.
- (5) If signature line challenges are at issue:
 - (a) the Objector shall immediately arrange to meet with Candidate or Candidate's representative to review before the hearing each and every challenged signature line. Objector and Candidate shall file a stipulation of the parties that identifies:
 - (i) the total number of completed signature lines submitted;
 - (ii) the total number of uncontested signature lines submitted;
 - (iii) the total number of signature lines challenged;

- (iv) each and every signature line to which there is an objection, identified by page number and line number, and the basis for the objection;
 - (v) each and every signature line to be stricken as invalid or for which an objection is to be withdrawn, identified by page number and line number, if the parties can reach such a stipulation.
- (b) The Candidate shall file a list of all signature lines, identified by page number and line number, that are facially defective and that Candidate intends to rehabilitate. Candidate shall also state the manner in which Candidate intends to rehabilitate the signature lines.
- (6) The Objector and Candidate shall each file a list of all witnesses to be called at the hearing and the curriculum vitae and expert reports of all expert witnesses. Any witness not identified shall be precluded from testifying except for good cause shown.
- (7) Objector and Candidate must each file a memorandum of law in support of their respective positions no later than the day before the scheduled hearing, unless otherwise approved by the hearing judge.

BY THE COURT:

HONORABLE IDEE C. FOX
President Judge, Court of Common Pleas

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
Court of Common Pleas of Philadelphia County**

| | | |
|-------------------------------|---|--------------------------------|
| In Re | : | Election Matter |
| Nomination Petition of | : | |
| | : | MARCH TERM, 2023 |
| | : | |
| _____ As | : | Candidate for Office of |
| | : | NO. _____ |

AFFIDAVIT OF SERVICE

I, _____, hereby certify that I have served a copy of the pleadings as follows:

(1) Petition to Set Aside Nomination Petition and Order to Show Cause on _____, an employee of the County Board of Elections on March __, at _____ AM/PM electronically at: _____
or at the following location:

(2) Petition to Set Aside Nomination Petition and Order to Show Cause on Respondent, _____ on March __, 2023 at _____ AM/PM electronically at: _____
or at the following location:

I verify that the facts contained herein are true and correct to the best of my knowledge or information and belief.

I understand that the statements made herein are made subject to the provisions of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: _____

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
Court of Common Pleas of Philadelphia County

| | | |
|---|---|--------------------------------|
| In Re | : | Election Matter |
| Nomination Petition of | : | |
| | : | MARCH TERM, 2023 |
| | : | |
| <hr style="width:30%; display:inline-block; vertical-align:middle;"/> As | : | Candidate for Office of |
| | : | NO. _____ |

FINAL ORDER

AND NOW, this _____ day of _____, 2023, upon consideration of the
Petition to Set Aside Nomination Petition filed on _____, 2023, after a hearing held
thereon, and upon consideration of the evidence and/or legal arguments presented, **IT IS**
HEREBY ORDERED, ADJUDGED and DECREED that:

- ☐ Upon consideration of the objections and testimony, the Court finds that:
 - ☐ the Nomination Petition is defective. The Candidate's name shall be removed from the Ballot.
 - ☐ the Nomination Petition does not contain a sufficient number of genuine signatures of electors entitled to sign. The Candidate's name shall be removed from the Ballot.
 - ☐ the Nomination Petition was not filed by persons entitled to file the same. The Candidate's name shall be removed from the Ballot.
- ☐ _____
- ☐ The objections to the Nominating Petition are withdrawn by the Petitioner. The Candidate's name shall remain on the Ballot.
- ☐ Upon consideration of the objections and testimony, the Court denies the objections and directs the County Board of Elections to accept the Nomination Petition. The Candidate's name shall remain on the Ballot.
- ☐ _____

BY THE COURT:
